

OGC 78-4478

10 July 1978

OLC #78-1524

MEMORANDUM FOR : Office of Legislative Counsel

ATTENTION :

FROM :

SUBJECT : Review of S. 990 and H.R. 12210, "Federal Physician's Comparability Allowance Act of 1978"

Pre log

1. I have reviewed the two subject bills. H.R. 12210, as you point out, is essentially a rework of H.R. 4620 and H.R. 1519, which we had seen earlier.

2. The two bills are essentially the same except for Section 3 of S. 990, for which there is no counterpart in H.R. 12210.

3. It is my opinion that H.R. 12210 is acceptable to this Agency in its present form.

4. I believe Section 3 of S. 990, particularly subsection (a) thereof, potentially represents a problem for this Agency. Subsection 3(a) requires the Chairman of the Civil Service Commission to submit a report each year to the Committee on Post Office and Civil Service of the House, and the Committee on Governmental Affairs of the Senate, concerning the operation of the special pay program set forth in the bill. The bill is not specific about the origins of the data to be included in the report, or the degree of detail to be included. I think it is a fair assumption that data would be expected from this Agency, inasmuch as this Agency is one of those addressed by the bill. It might well prove to be difficult for this Agency to respond to this requirement, while at the same time providing the necessary protection for classified information or information pertaining to intelligence sources or methods. A similar problem may be presented by subsection 3(b), which requires the Director, OMB, to conduct an investigation of the short term and long term problems facing the federal government with respect to the recruitment and retention of physicians.

5. With the exception of Section 3, it is my opinion that S. 990 is acceptable to this Agency.